

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 09/838,987

Applicant: Chamberlain et al.

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TC/AU: 1632

Examiner: Wilson, M.

Docket No.: 218654 (DHHS Reference No. E-087-1996/0-US-06)

Customer No.: 23460

**DECLARATION UNDER 37 C.F.R. § 1.131 OF NICHOLAS P. RESTIFO**

I, Nicholas P. Restifo, do hereby declare:

1. I am a co-inventor of the subject matter disclosed and claimed in the instant application.
2. I, along with the other named co-inventors of the instant application, conceived of and reduced to practice the present invention before May 1, 1995, which corresponds to the publication date of Wang et al. (*J. Immunol.*, 154 (9): 4685-92 (1995)).
3. As merely an example of both the conception and reduction to practice of the present invention, attached to this Declaration is a true and accurate copy of a page from a research report evincing data collected prior to May 1, 1995, which relates to research performed under my direction involving the method of inducing an immune response against an antigen in a mammal by inoculating the mammal with two different vectors encoding the antigen.
4. In particular, the attachment describes experiments wherein mice with tumors expressing the  $\beta$ -gal antigen are inoculated with a recombinant viral vector (modified vaccinia virus Ankara (MVA)) expressing  $\beta$ -gal antigen and then inoculated with a second, different, recombinant viral vector (fowl pox virus (FPV)) expressing the same antigen ( $\beta$ -gal) as the first recombinant viral vector ("MVA-  $\beta$ -gal/FPV-  $\beta$ -gal"). Mice administered the recombinant viral vectors as indicated survived longer than (1) mice inoculated with the same recombinant viral vector on

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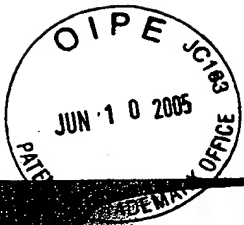
the first and second inoculation ("MVA-  $\beta$ -gal/MVA-  $\beta$ -gal" or "FPV-  $\beta$ -gal/FPV-  $\beta$ -gal"), (2) mice inoculated with DNA coding for  $\beta$ -gal on the first and second inoculation ("WR-  $\beta$ -gal/WR-  $\beta$ -gal"), and (3) mice not administered anything for the first and second inoculation ("WR/WR").

5. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

6/2/05

Nicholas P. Restifo  
Nicholas P. Restifo



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# Homologous vs Heterologous Boosting

